

SPSO decision report

Case: 201102132, Scottish Water
Sector: scottish government and devolved administration
Subject: other
Outcome: upheld, recommendations

Summary

Mr C received planning permission to build two semi-detached properties in the grounds of his former home. When creating the plans for the development, he obtained plans held by Scottish Water which showed that a water main ran through the site. Mr C based the location of his development on the plans he had obtained, ensuring that his properties would not be built over the water main. However, he later found that the south east corner of his properties were built over the mains pipe. Scottish Water told him that he would have to pay for the pipe to be diverted. However, Mr C considered that this was unreasonable, given that he built the properties according to plans provided by Scottish Water, which turned out to be inaccurate.

Our investigation found that Scottish Water are legally obliged to supply plans of their water infrastructure that are reasonably accurate. Scottish Water told us that, generally, their plans should be accurate to within a two metre tolerance. However, there may be some inaccuracy. With this in mind, they issue a disclaimer with any requested plans which highlights the developer's responsibility to ensure they know the precise location of any local water mains. Scottish Water told us that the pipe was two metres out from the location shown on the plans. They considered this to be within a reasonable tolerance.

Mr C found the pipe when digging the foundations of the properties. He sought advice as to what he should do, but did not contact Scottish Water. He said that the pipe was substantially more than two metres from the location shown on the plans.

We examined the plans provided to Mr C and subsequent drawings from a Scottish Water representative who plotted the accurate location of the water main. We found that the pipe was roughly 8.5 metres out from the location suggested in the plans. The evidence presented to us also suggested that Mr C's plans did not include the disclaimer regarding accuracy.

We found that Scottish Water failed in their obligations to supply reasonably accurate information. Whilst acknowledging Mr C's responsibility as developer to check where the pipe was, we considered it reasonable for him not to do so on this occasion, given the apparent distance from his proposed site as shown on the plans. That said, Mr C had an opportunity upon finding the pipe to avoid the situation he found himself in. As such, we could not ignore his responsibilities entirely. We recommended that Scottish Water and Mr C split the cost of diverting the water main.

Recommendations

We recommended that Scottish Water:

- contribute 50 percent of the cost of diverting the water main from under Mr C's property.